

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haefele, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

November 17, 2021

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

The undersigned non-Kreindler members of the Plaintiffs' Executive Committees ("non-Kreindler PECs") write in response to the Court's November 16, 2021 Order, ECF No. 7353, concerning the motions at ECF Nos. 7322, 7327, and 7328. The non-Kreindler PECs address each of those motions in turn.

1. ECF 7322 – Saudi Arabia's Motion Requesting that Kreindler & Kreindler Identify Certain Attendees at Depositions

As to the Kingdom's motion at ECF No. 7322, the non-Kreindler PECs wish only to clarify a potential ambiguity in Kreindler & Kreindler's November 12, 2021 opposition letter (ECF No. 7330). In particular, that letter included statements that the Kingdom is improperly attempting to use the proposed discovery to "learn the identities of Kreindler & Kreindler's and the PECs' consultants." ECF No. 7330 at p. 2.

To the extent this language could be read to suggest that the letter was presenting work product and other privilege objections on behalf of the non-Kreindler PECs, with respect to the Kingdom's discovery request at ECF No. 7322, that would not be correct. The non-Kreindler PECs have had essentially no involvement in the dialogue between the Kingdom and Kreindler

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& Kreindler on the issue,¹ and were not consulted with regard to Kreindler & Kreindler's position on the dispute.

2. ECF No. 7327 – Saudi Arabia's Motion for Leave to File Exhibits

The non-Kreindler PECs have no position to present with respect to Saudi Arabia's motion at ECF No. 7327.

3. ECF No. 7328 – Saudi Arabia's Motion for Discovery of Kreindler & Kreindler Communications With Attorney Elizabeth Crotty

The non-Kreindler PECs have no position to present with respect to Saudi Arabia's motion at ECF No. 7328.

Respectfully submitted,

COZEN O'CONNOR

By: /s/ Sean P. Carter

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*On behalf of the MDL 1570 Plaintiffs' Exec.
Committees*

*On behalf of the MDL 1570 Plaintiffs' Exec.
Committees*

cc: The Honorable George B. Daniels (via ECF)
All MDL Counsel of Record (via ECF)

¹ The non-Kreindler PECs were not included on the communication through which the Kingdom raised the discovery request directly with counsel for Kreindler & Kreindler. The non-Kreindler PECs first became aware of the request during a meet and confer relating to admissibility of exhibits from the recent hearing, when counsel for the Kingdom orally raised it with counsel for Kreindler & Kreindler, who simply expressed Kreindler & Kreindler's opposition. Aside from receiving their respective filings via ECF, the non-Kreindler PECs have had no further communications with Kreindler & Kreindler or the Kingdom regarding the issue.